

REMARKS

The Office action of 5 July 2006 (Paper No. 20060615) has been carefully considered.

Claims 1 thru 6 are being canceled without prejudice or disclaimer, and claims 7, 9, 12 and 14 are being amended. Thus, claims 7 thru 18 are pending in the application.

In response to the Interview Summary mailed on 18 July 2006, it is noted with appreciation that, in accordance with our telephone discussion on 10 July 2006, the Examiner prepared and provided to Applicants a substitute PTO-892 in which Shintani *et al.*, U.S. Patent No. 6,661,472 has been properly cited.

In paragraph 4 of the Office action, the Examiner rejected claims 1, 2 and 4 under 35 U.S.C. §103 for alleged unpatentability over Shintani *et al.*, U.S. Patent No. 6,661,472 in view of Morrison, U.S. Patent No. 6,359,580. In paragraph 5 of the Office action, the Examiner rejected claims 3, 5 and 6 under 35 U.S.C. §103 for alleged unpatentability over Shintani *et al.* '472 in view of Connelly, U.S. Patent No. 6,144,376. In paragraph 6 of the Office action, the Examiner rejected claims 7, 8, 12, 13, 17 and 18 under 35 U.S.C. §103 for alleged unpatentability over Alexander *et al.*, U.S. Patent No. 6,177,931 in view of Dillon, U.S. Patent No. 6,351,467. In paragraph 7 of the Office action, the Examiner rejected claims 9 thru 11 and 14 thru 16 under 35 U.S.C. §103 for alleged unpatentability over Morrison '580 in view of Van Der Vleuten, U.S. Patent No. 6,460,183. For the reasons stated below, it is submitted that the invention recited in the claims, as now

amended, is distinguishable from the prior art cited by the Examiner so as to preclude rejection under 35 U.S.C. §103.

Basically, in the conventional digital television (TV), the channel selection icon on the digital TV is clicked for channel selection by using a remote controller (*see* paragraphs [0011]-[0013] of the Related Art section of the present application).

In order to avoid this problem, the present invention uses a cookie for storing channel selection page information. A point to be considered is a protocol wherein making a web page for channel selection is prescribed. Without breaking the prescription, the present invention solves this problem by using the cookie for storing the channel selection page which is changed for every channel selection operation whenever using a channel up/down key.

In the prior art cited by the Examiner, there is no disclosure or suggestion of the above-described problem or the solution thereto.

With respect to the rejection of claims 7, 8, 12, 13, 17 and 18 under 35 U.S.C. §103 (*see* paragraph 6 of the Office action), it is submitted that independent claims 7 and 12 distinguish the invention over the prior art cited by the Examiner.

On page 10 of the Office action, the Examiner contends that Alexander *et al.* '931 discloses changing a current channel to a user input channel. However, the portion cited

by the Examiner (column 20, lines 39-63 and column 34, line 56 - column 35, line 12 of the patent) pertain to selection of “ads” or advertisement material, not channels.

On page 10 of the Office action, the Examiner admits that Alexander *et al.* ‘931 “fails to explicitly disclose producing and storing a first cookie for the channel selection page and producing and storing a second cookie for the changed information of the channel selection page” (quoting from the last paragraph on page 10 of the Office action). The Examiner then cites column 24, line 45 - column 25, line 12 of Dillon ‘467 as allegedly disclosing first and second cookies as claimed. However, the cited portion of Dillon ‘467 discusses the assignment of cookies to browsers, not the production/storage of a first cookie for a channel selection page and the production/storage of a second cookie for changed information of the channel selection page, as recited in claims 7 and 12.

At the bottom of page 11 of the Office action, the Examiner contends that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Alexander with the teachings of Dillon in order to facilitate producing and storing a first cookie for the channel selection page and producing and storing a second cookie for the changed information of the channel selection page for the benefit of tracking displayed advertisements and reporting usage information back to the provider in order to charge advertisers a corresponding fee” (quoting from the last paragraph on page 11 of the Office action). However, since Alexander *et al.* ‘931 does not at all mention cookies, it is doubtful that one of ordinary skill in the art would receive from

Alexander *et al.* '931 sufficient motivation or instruction to seek and obtain Dillon '467, and to modify the disclosure of Alexander *et al.* '931 in accordance with Dillon '467.

Furthermore, the cookie of the present invention is provided for the purpose of temporarily storing channel information. This feature of the present invention is different from that of Dillon '467, especially since Dillon '467 states that the cookie should be unique for every use, although the cookie of the present invention does not need to be unique.

Finally, the prior art does not disclose or suggest use by the user of a channel up/down key of a remote controller to select a channel by changing information of the channel selection page to change the current channel to the selected channel, as recited in amended independent claims 7 and 12.

With respect to dependent claims 8 and 13, the Examiner contends that Dillon '467 teaches determination of "channel information contained in the second cookie" (quoting from page 12, line 2 of the Office action). However, as stated above, Dillon '467 only teaches use of a cookie to identify a browser, not channel information (*see* column 24, line 67 - column 25, line 25 cited by the Examiner).

For the above reasons, the rejection of claims 7, 8, 12, 13, 17 and 18 under 35 U.S.C. §103 is not supported by the cited references, and should be withdrawn.

Turning to consideration of the rejection of claims 9 thru 11 and 14 thru 16 under 35 U.S.C. §103 (*see* paragraph 7 of the Office action), initially, it should be noted that, with respect to the rejection of each of independent claims 9 and 14, the Examiner has admitted that Morrison '580 does not disclose or suggest all of the steps recited in independent method claim 9 (*see* the first complete paragraph on page 16 of the Office action), and that Morrison '580 does not disclose or suggest all of the elements or components of the digital TV recited in independent claim 14 (*see* the second paragraph on page 20 of the Office action). This raises a serious question as to the propriety and validity of this rejection under 35 U.S.C. §103.

Specifically, if Morrison '580 does not disclose or suggest any of the steps of the method recited in claim 9, and does not disclose or suggest any of the components of the invention recited in claim 14, it is doubtful that one of ordinary skill in the art, upon reviewing the primary reference (Morrison '580), would be motivated or instructed to seek the disclosure of the secondary reference (Van Der Vleuten '183), and it is doubtful that one of ordinary skill in the art would be sufficiently motivated or instructed to modify the disclosure of Morrison '580 in accordance with the disclosure of Van Der Vleuten '183 so as to obtain the present invention. In fact, since the Examiner has admitted that Morrison '580 does not disclose or suggest all of the steps or components of the claimed invention, the amount of effort involved in modifying the disclosure of Morrison '580, given the disclosure of Van Der Vleuten '183, so as to obtain the present invention involves an amount of effort which rises above the level of mere obviousness. For the latter reasons, it is submitted that the rejection under 35 U.S.C. §103 is highly

questionable, and constitutes an invalid rejection.

With respect to the citation of Van Der Vleuten '183, contrary to the assertions set forth by the Examiner on pages 16 and 19 of the Office action, Van Der Vleuten '183 does not disclose or suggest the production of a channel selection page or means for producing the same. In that regard, the Examiner cites column 5, lines 55-63 of Van Der Vleuten '183, but a review of that portion of the patent does not reveal any disclosure or suggestion of the production of a channel selection page. The most that is disclosed therein is a "history list", but this does not constitute the production of a channel selection page in the context of the present application, including the specification and claims.

In addition, it should be noted that independent claims 9 and 14 recite more than a mere channel selection page. Rather, the claims recite the production of a channel selection page, followed by an "extracting" step and two "changing" steps in the case of claim 9, and means for producing a channel selection page, followed by "extracting", "storing" and two "changing" means in the case of claim 14. These latter features are not disclosed in or suggested by Van Der Vleuten '183 as alleged by the Examiner.

Further considering the invention recited in independent claims 9 and 14, contrary to the assertions contained on pages 16 and 20 of the Office action, Van Der Vleuten '183 does not disclose or suggest the step or function of extracting channel information from a channel selection page and storing the extracted channel information in the form of a file,

as recited in claims 9 and 14. In that regard, as stated above, Van Der Vleuten '183 does not even disclose or suggest the provision of a channel selection page, and thus it is clear that there is no disclosure or suggestion of the extraction of channel information from such a channel selection page.

In the last paragraph on page 2 of the Office action, the Examiner disputes the above arguments by alleging that Van Der Vleuten '183 "discloses [that] a user can display a history list on the television screen, enabling the user to select a preset by picking a preset from the history list" (quoting from page 2, lines 14-16 of the Office action). In that regard, the Examiner cites column 5, lines 55-63 of Van Der Vleuten '183. However, contrary to the further assertion by the Examiner, in Van Der Vleuten '183, channel information is not extracted from a channel selection page. Rather, as admitted by the Examiner, the history list of Van Der Vleuten '183 merely contains one or more presets which can be selected by the user in order to switch to a given channel. This does not constitute the extraction of channel information from a channel selection page, as claimed in the present application.

In the first paragraph on page 3 of the Office action, the Examiner addresses the steps and functions of extracting and storing channel information by stating that "Van Der Vleuten discloses [that] a user can display a history list on the television screen, enabling the user to select a preset by picking a preset from the history list (Col. 5, lines 55-63), which reads on extracting channel information from a channel selection page" (quoting from page 3, lines 4-7 of the Office action), and that "Van Der Vleuten discloses

[that] the history list is reordered each time a channel is selected so each time a channel is selected, the channel information is saved in order to maintain a specific order in the history list to allow a user to use the ‘backward’ button as well as the ‘forward’ button with respect to the selected preset from the history list” (quoting from page 3, lines 7-11 of the Office action).

However, even if “channel information” is extracted in Van Der Vleuten ‘183 (and Applicants do not admit that), the claims call for storage of the extracted channel information in a file, whereas Van Der Vleuten ‘183 describes restorage of all channel information in “a specific order in the history list” (quoting from page 3, line 9 of the Office action). This is entirely different from the storage step and function recited in claims 9 and 14.

In addition, neither reference discloses or suggests the two “changing” steps or functions recited in claims 9 and 14, especially since the first “changing” step or function is carried out on “the channel information stored in the form of a file” (quoting from claim 9, line 7 and claim 14, line 7), whereas (as stated above) Van Der Vleuten ‘183 does not produce such a file.

Furthermore, the prior art does not disclose or suggest the changing of channel information stored in the form of a file in response to operation of a channel up/down key of a remote controller by the user, as recited in amended independent claims 9 and 14.

Finally, a review of the citations to Van Der Vleuten '183 set forth by the Examiner in paragraph 7 on pages 16, 17, 20 and 21 of the Office action do not support the contention that the steps and functions of claims 9 and 14, respectively, are disclosed in or suggested by Van Der Vleuten '183.

For the above reasons, it is submitted that the invention recited in independent claims 9 and 14 is distinguishable from the prior art so as to preclude rejection under 35 U.S.C. §103.

In view of the above, it is submitted that the claims of this application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

No fee is incurred by this Amendment.

Respectfully submitted,



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